UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1998/8
24 June 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Sixteenth session
27-31 July 1998
Item 12 of the provisional agenda

OTHER MATTERS

Note by the secretariat

Information received from indigenous organizations

1. In resolution 1992/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, together with information requested annually by the Secretary-General, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1997/14 of 22 August 1997, requested the Secretary-General to transmit the report of the Working Group to intergovernmental, indigenous and non-governmental organizations and to invite them to provide information. The Commission on Human Rights, in its resolution 1998/13 of 9 April 1998, urged the Working Group to continue its comprehensive review of developments. The present document contains information in relation to item 12 of the provisional agenda.

THE SAMI COUNCIL

[Original: English]
[3 June 1998]

Cultural policies for development: an indigenous perspective

Introduction

1. The Sami Council has prepared this report on the concerns of indigenous peoples with regard to cultural policies and cultural rights on the occasion of the Intergovernmental Conference on Cultural Policies for Development organized by UNESCO in Stockholm from 30 March to 2 April 1998. Culture and cultural diversity is at the heart of the identity of indigenous peoples and of their aspirations to protect their special rights and traditional lifestyles. This report is intended to inform indigenous representatives about the UNESCO Conference in Stockholm, as well as to document some of the concerns of indigenous peoples on these issues for future action.

2. A key objective of the Conference was to establish recommendations, through adoption of an Action Plan on Cultural Policies for Development, to guide future policy-making decisions regarding cultural and development issues. The stated aim of the Conference was to bring together distinguished leaders among decision makers, artists and intellectuals, NGOs, foundations and culturally sensitive business executives in an open and interactive format to explore strategies and actions for the coming decades that place culture central to human development strategies and define practical outcomes for Governments and their partners, as well as for UNESCO.

3. The substantive issues discussed at the Conference were guided by issues raised in the report of UNESCO's World Commission on Culture and Development, entitled Our Creative Diversity. Since this report makes numerous references to indigenous peoples throughout the text, and the Commission itself was guided on this issue by a Sami expert member of the Commission, it came as a surprise that neither the Conference agenda nor the Conference's main working document, the Draft Action Plan, contained any reference to indigenous peoples. The same could be said for ethnic minorities, whose culture is also central to their identity. Moreover, neither indigenous nor minority participation was contemplated in advance of the Conference. It was only on the independent initiative of the Sami Council that indigenous participation in Stockholm was arranged under limited resources and time-frames.

4. The Sami Council organized an Agora Session on the Cultural Rights of Indigenous Peoples with the participation of United Nations expert Mrs. Erica-Irene Daes, Chair of the Working Group on Indigenous Populations, who presented her study on the protection of the heritage of indigenous people, and Professor Ole Henrik Magga, Sami expert member of UNESCO's World Commission on Culture and Development, who presented the Commission's report, Our Creative Diversity. The Government of Bolivia also organized a Forum on Cultural Rights that included on its panel: Dr. R. Rocha-Monroy, Vice-Minister of Culture of Bolivia; Professor Timoti Karetu, Maori of New Zealand; Professor Ole Henrik Magga, Sami member of the World Commission; and Mr. Julian Burger of the Office of the United Nations High Commissioner for

Human Rights. Both meetings forwarded significant recommendations referring to indigenous peoples to the plenary. The Declaration adopted at the Sami Council's Agora Session is annexed to the present report.

5. While the Conference organizers were welcoming and accommodating of Indigenous participation at the Conference, it was nevertheless a matter of continued concern that the revised Action Plan adopted at the end of the Conference still did not reflect any reference to indigenous peoples, nor to the recommendations and amendments formally submitted by indigenous participants according to Conference procedures. The final Action Plan that was published after the Conference reflects only minimally the recommendations forwarded on indigenous peoples from the relevant Agora and Forum Sessions, although it contains principles that would be clearly relevant to indigenous peoples.

6. In view of these concerns, the Sami Council arranged a personal meeting at the close of the Conference with UNESCO's Director-General, who responded positively to the recommendations of the indigenous delegates, including proposed amendments to the Action Plan, encouraging UNESCO to take a stronger role in supporting activities related to the International Decade for the World's Indigenous People in closer dialogue with the United Nations High Commissioner for Human Rights/Coordinator of the Decade, and the organization of an international conference on the cultural rights of indigenous peoples in 1999, as a follow-up to Stockholm.

7. A fuller version of the present report will be made available during this session of the Working Group on Indigenous Populations, in English and Spanish, as a conference room paper. Copies of the report will be subsequently available through the Sami Council. Further information on the UNESCO Conference is available on the Internet at <www.unesco-sweden.org> or by contacting UNESCO headquarters in Paris.

Background on the Conference

World Commission on Culture and Development (WCCD)

8. The WCCD was an independent commission established at the end of 1992 for a three-year period under the leadership of Javier Pérez de Cuellar, former United Nations Secretary-General, and comprised of 12 leading figures, including Sami representative Professor Ole Henrik Magga and four Nobel Prize winners. The Commission was entrusted with preparing the first action-oriented global report focusing on the ties between culture and development. The main objective of the report is to shape future national cultural and development strategies.

9. The World Commission recognized that among its objectives was the need to establish criteria to measure development beyond economics, taking into account human dignity and well-being according to a wider array of criteria, ranging from political, economic and social freedom to individual opportunities for being healthy, educated, productive, creative and enjoying self-respect and human rights, and the need to build cultural insights into the broader development strategies. At the conclusion of its work, the World Commission presented its report.

Our Creative Diversity and indigenous peoples

10. Our Creative Diversity contains an introductory section and 10 thematic chapters, addressing culture and development from a number of angles. These include issues of ethics, pluralism, creativity and empowerment, media, gender, children and youth, cultural heritage, environment, cultural policies, and research needs in four main areas, including democratization and sustainable development. The report concludes with an International Agenda containing 10 recommendations for action, and an appendix containing a summary of the World Commission's work.

11. Our Creative Diversity addresses indigenous peoples in several of its chapters, citing the definition contained in article 1 of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. It highlights the importance of land and natural resources to Indigenous Peoples. Recalling basic principles contained in Agenda 21 (UNCED, 1992), the report echoes the need to recognize, accommodate, promote and strengthen the role of indigenous people and their communities in environment and sustainable development issues, and that the lands of indigenous peoples and their communities should be protected from activities that are environmentally unsound or that the indigenous people consider to be socially and culturally inappropriate. The Report points out how cultural genocide or ethnocide, resulting in the disappearance of indigenous and tribal communities, has often been a by-product of development policy, based on the assumption that pre-modern forms of economic organization must give in to dominant models, such as capitalism, socialism or combinations of these that are alien to their own systems.

Structure of the Conference

Nature, aim and themes

12. The Intergovernmental Conference on Cultural Policies for Development was classified under category II of UNESCO regulations on intergovernmental meetings other than international conferences of States. This means that the conclusions reached by the Conference would consist of recommendations to Governments as well as to the Director-General of UNESCO. The chief participants were government representatives while others including non-member States, United Nations organizations and intergovernmental and non-governmental organizations, were invited to participate as observers.

13. The stated aim of the Conference was to encourage open exchange and dialogue among and between various sectors of civil society and to establish guidelines for Governments and their partners for the exploration of strategies and actions for the coming decades on cultural policies with regard to development. To this end, a draft Action Plan was discussed, revised and adopted by the Conference at its conclusion.

14. The two main themes of the Conference were: The challenges of cultural diversity and The challenge of recasting cultural policies. Each main theme covered five of the themes approximately corresponding to the chapters of the report Our Creative Diversity, and the discussions at the Forum Sessions held throughout the Conference were sponsored and presided over by a Government

(generally, the Ministry for Culture). The five sub-themes under the first main theme included: A commitment to pluralism (Canada); Cultural rights (Bolivia); Cultural heritage (India); Cultural creativity (United Kingdom and Jamaica); and Culture for children and young people (South Africa). The five sub-themes under the second main theme included: Cultural policy and research (France); International cooperation in cultural policy (Egypt); Mobilizing resources for cultural activities (Republic of Korea); the media in cultural policies (Philippines); and Culture and the new media technologies (Finland).

Plenary, Forum and Agora Sessions

15. A series of thematic Forum and Agora Sessions were held concurrently with the Plenary of the Conference, at which ministers, senior officials and heads of government delegations focused on the draft Action Plan. Statements were made by high-ranking officials and brief reports were submitted on the conclusions of the various Forum and Agora Sessions.

16. The 10 Forum Sessions sponsored by Governments, and nearly 40 Agora Sessions, were held on topics of special interest. The Agora Sessions were organized primarily by NGOs whose work was closely linked to UNESCO. The Forum and some Agora Sessions were led by panels of experts and cultural leaders and were structured to lead to participatory discussions.

Conference documents

17. The Conference documents consisted of 4 working documents, 5 information documents of a technical nature and 11 reference documents, which consisted of preparatory papers on the themes of the Conference. Among the working documents the draft Action Plan on Cultural Policies for Development, which had been prepared by the UNESCO Director-General. At Stockholm, a Drafting Group was established to consider proposed amendments to the draft Action Plan and submit a revised version to the closing plenary for adoption. The Drafting Group, chaired by the representative of Benin, was comprised of government representatives from Benin, Cuba, China, Egypt, France, India, Lithuania, Mexico, the Russian Federation, Senegal, Saudi Arabia and the United Kingdom (two from each geographical region). A final report of the Conference was prepared by the Director-General of UNESCO.

Report on the Conference events

Agora Session 21 on indigenous peoples' cultural rights, organized by the Sami Council

18. The Sami Council organized an Agora Session on indigenous peoples' cultural rights, inviting as guest speakers Mrs. Erica-Irene Daes and Professor Ole Henrik Magga. The meeting was chaired by Mr. Lars-Anders Bear, Vice-President of the Sami Council.

19. Professor Magga, presented the report Our Creative Diversity, elaborating on the Commission's discussions on indigenous peoples. Mrs. Daes, presented the United Nations study she conducted on the protection of the heritage of indigenous peoples, containing draft principles on the subject proposed for further consideration. A general debate about the draft Action

Plan ensued and comments were made for inclusion in the Declaration of the Agora Session, which was adopted by the participants at the Agora Session by consensus.

20. The resulting document, entitled "Declaration of Agora Session 21 on Indigenous Peoples' Cultural Rights" (see annex), recalls international precedents on the protection of indigenous cultures, makes specific proposals for amendments throughout the draft Action Plan to reflect indigenous peoples' concerns, and presents a recommendation to the Director-General of UNESCO.

21. The conclusions of the Agora Session on Indigenous Peoples were presented to the Plenary Session by Mr. Bear and the conclusions, together with the Declaration, were submitted in writing to the appropriate persons within the time-frame indicated.

Recommendations: Meeting between indigenous representatives and UNESCO Director-General on the closing day of the Stockholm Conference

22. The recommendations to the Director-General of UNESCO during this meeting included:

(a) That the revised Action Plan of the Stockholm Conference reflect the recommendations contained in the final document of Agora Session 21 on indigenous peoples' cultural rights sponsored by the Sami Council, as well as the Forum on cultural rights sponsored by the Government of Bolivia;

(b) That the adopted Action Plan and final report of the Conference, including proposed follow-up activities, be formally submitted as an official document to the forthcoming session of the United Nations Working Group on Indigenous Populations, in view of the Working Group's thematic focus on culture, education and languages. The recommendations adopted by the Working Group in this regard could then be forwarded to the competent United Nations bodies to support related initiatives, including its endorsement of the proposal to hold an international conference directly prior to the July 1999 session of the Working Group;

(c) That an international conference on indigenous cultural rights be organized by UNESCO in 1999, in accordance with the recommendation contained in the Declaration of Agora Session 21, in close cooperation with the United Nations High Commissioner for Human Rights/Coordinator of the International Decade of the World's Indigenous Peoples, other United Nations bodies, programmes and specialized agencies, Governments and indigenous peoples. It is hoped that UNESCO could host such a conference and that the 1999 session of the Working Group could be held at UNESCO headquarters in Paris;

(d) That UNESCO transmit a formal communication to the Sami Council and the Office of the High Commissioner for Human Rights containing a response to these recommendations, and indicating a time-frame for follow-up;

(e) That UNESCO support the promotion of special policy measures and the development of special policy guidelines on culture and indigenous peoples by way of an international conference, in view of the vital importance of addressing long overdue cultural policies for the survival and well-being of indigenous peoples.

ANNEX

UNESCO Intergovernmental Conference on Cultural Policies for Development

DECLARATION OF AGORA SESSION 21 ON
INDIGENOUS PEOPLES' CULTURAL RIGHTS

Stockholm, 31 March 1998

We, the Indigenous Peoples' representatives, meeting in Stockholm, Sweden, on 31 March 1998 to enhance the promotion and protection of our cultural rights,

Proclaim that Indigenous Peoples have the right to freely pursue their economic, social and cultural development,

Proclaim also that control over our traditional lands and natural resources is essential to the economic and cultural survival of our peoples,

Proclaim furthermore that Indigenous Peoples have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language,

Underline the value and diversity of the cultures and forms of social organization of Indigenous Peoples,

Underline also that Indigenous Peoples contribute to the socio-economic, cultural and environmental development of all the countries in which they live,

Note that Indigenous Peoples' culture is a significant part of the cultural diversity of the world,

Note also that Indigenous Peoples' culture is particularly vulnerable to globalization and development, and that it is necessary to include special policy measures at the national and international levels to promote and protect the culture of Indigenous Peoples,

Recalling that the "Draft United Nations declaration on the rights of indigenous peoples" affirms that Indigenous Peoples are equal in dignity and rights to all other peoples, while recognizing our right to be different, to consider ourselves different and to be respected as such,

Recalling also that the goal of the International Decade of the World's Indigenous People (1995-2004) is to strengthen international cooperation for the solution of problems faced by Indigenous Peoples in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous Peoples: A Partnership in Action",

Recalling also that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action, recognized the inherent dignity and the unique contribution of Indigenous Peoples to the development and plurality of society and strongly reaffirmed the commitment of the international community to the economic, social and cultural well-being of Indigenous Peoples,

Recalling moreover that the Vienna Declaration and Programme of Action underlines that States should ensure the full and free participation of Indigenous Peoples in all aspects of society, in particular in matters of concern to us,

Recalling also that the United Nations Special Rapporteur on the protection of the heritage of indigenous peoples proposes that the protection of Indigenous Peoples' heritage should be based on the right of self-determination, which includes the right and duty of Indigenous Peoples to develop their own cultures and knowledge systems,

1. Takes note of the draft Action Plan on Cultural Policies for Development submitted to the Intergovernmental Conference on Cultural Policies for Development by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

2. Decides to suggest the following amendments to the draft Action Plan:

(a) Preamble: add the following paragraph:

"[The Intergovernmental Conference on Cultural Policies for Development] recognizes that Indigenous Peoples have the right to freely pursue their economic, social and cultural development, and that this should be respected by Governments in their development and implementation of cultural policies,"

(b) Policy Objective 1: add the following paragraph:

"[States should,] in cooperation with Indigenous Peoples, develop mechanisms for the inclusion of Indigenous Peoples' concerns into decision-making processes on development policy."

(c) Policy Objective 3: add the following paragraph:

"[States should] ensure the full and effective participation of Indigenous Peoples in the formulation and implementation of cultural policies. States should also review their national legislation, and all cultural policies, programmes and institutions in order to ensure that the rights of Indigenous Peoples are respected."

(d) .Policy Objective 4:

"[States should] via national legislation establish effective protection of the heritage of Indigenous Peoples. States should also support the development of educational, research and training centres which are

controlled by Indigenous communities, and strengthen these communities' capacity to document, protect, teach and apply all aspects of their heritage."

(e) Policy Objective 5:

Add the term "Indigenous" before the term "local" in the first paragraph:

Delete the word "other", and add the term "Indigenous Peoples" after the wording "minority groups" in the second paragraph.

(f) Recommendations to the Director-General of UNESCO: Add the following paragraph:

"[Recommends that the Director-General of UNESCO] organize an International Conference on Indigenous Cultural Rights in 1999 with the aim to promote cultural diversity within States, in close cooperation with the United Nations High Commissioner for Human Rights/Coordinator for the International Decade of the World's Indigenous Peoples, other United Nations bodies, programmes and specialized agencies, Governments and Indigenous Peoples."